

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
THE DAVID METZLER RESIDENCE FOR  
CERTIFICATION AS AN ELIGIBLE OHIO  
RENEWABLE ENERGY RESOURCE  
GENERATING FACILITY.

CASE NO. 18-1780-EL-REN

## ENTRY

Entered in the Journal on May 20, 2020

### I. SUMMARY

{¶ 1} The Commission dismisses the certification application of David Metzler as an eligible Ohio renewable energy resource generating facility without prejudice.

### II. DISCUSSION

{¶ 2} R.C. 4928.64 and 4928.645 contain the renewable energy resource requirements for electric utility and electric services companies providing electric retail generation in Ohio. R.C. 4928.01(A)(37) defines the types of renewable energy resource generating facilities that qualify in meeting the statutory mandates. Pursuant to Ohio Adm.Code 4901:1-40-04(F), any entity that desires to be designated an eligible renewable energy resource generating facility for the state of Ohio shall file an application for certification that demonstrates the facility satisfies the requirements of R.C. 4928.64 and 4928.645.

{¶ 3} On November 30, 2018, Sol Systems, LLC, on behalf of David Metzler (Metzler or Applicant), filed an application in accordance with Ohio Adm.Code 4901:1-40-04(F) for certification as an Ohio renewable energy resource generating facility, as defined in R.C. 4928.01. According to the application, Applicant operates a 10.8 kw distributed solar photovoltaic electric generator at 125 Robin Drive, Montgomery County, Barto, Pennsylvania 19504. Staff sent initial requests to Metzler on January 3, 2019, and January 18, 2019, asking the Applicant to file the correct affidavit in this matter because the Applicant incorrectly attached the affidavit for Case No. 18-1480-EL-REN to Metzler's application.

{¶ 4} Subsequently, by Entry issued January 28, 2019, the attorney examiner suspended the 60-day automatic approval process pursuant to Ohio Adm.Code 4901:1-40-04(F), in order for Staff to review the application further as Applicant had been unresponsive to Staff's requests. Additionally, the attorney examiner noted that, absent a response to Staff's request within 30 days of the Entry, the applicant may be dismissed.

{¶ 5} Staff filed its review and recommendation on February 19, 2020. Staff notes that, pursuant to R.C. 4928.64 and 4928.645, in order to qualify as a certified eligible Ohio renewable energy resource generating facility, a facility must demonstrate in its application that it has satisfied all of the following criteria:

- (a) The generation produced by the renewable energy resource generating facility can be shown to be deliverable into the state of Ohio, pursuant to R.C. 4928.64(B)(3).
- (b) The resource to be utilized in the generating facility is recognized as a renewable energy resource, pursuant to R.C. 4928.64(A)(1) and 4928.01(A)(35), or a new technology that may be classified by the Commission as a renewable energy resource, pursuant to R.C. 4928.64(A)(2).
- (c) The facility must satisfy the applicable placed-in-service date, delineated in R.C. 4928.64(A)(1).

{¶ 6} While Staff observes that Metzler's application satisfies the three statutory requirements as an eligible Ohio renewable energy resource generating facility, Staff notes that the application is incomplete. Specifically, Staff represents that a complete application includes a correct affidavit. Metzler's application has an incorrect affidavit referencing Case No. 18-1480-EL-REN and neither Metzler nor their representative filed the correct affidavit subsequent to Staff's requests. Accordingly, Staff has determined that the application is incomplete and recommends that the Commission deny the application for certification.

{¶ 7} The Commission agrees with Staff that the application is incomplete and finds that the application should be dismissed without prejudice.

### III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Metzler's application for certification be dismissed. It is, further,

{¶ 10} ORDERED, That a copy of this Finding and Order be served upon all parties and interested persons of record in this proceeding.

#### COMMISSIONERS:

##### *Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

LLA/hac

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/20/2020 3:00:10 PM**

**in**

**Case No(s). 18-1780-EL-REN**

Summary: Entry dismissing the certification application of David Metzler as an eligible Ohio renewable energy resource generating facility without prejudice. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio